

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF
EDUCATION,

Plaintiff,

v.

D.E., individually and on behalf of A.H.D.
and A.D., and Y.A.L.E. SCHOOL,

Defendants.

CIVIL ACTION

No. 17-4433

DARLINE E., individually and on behalf of
Az.D. and Am.D.,

Plaintiff,

v.

PEDRO RIVERA, in his official capacity as
Secretary of Education for the
Commonwealth of Pennsylvania Department
of Education, and COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
EDUCATION,

Defendants.

ORDER

AND NOW, this 23rd day of April, 2018, upon consideration of Defendant Y.A.L.E. School's ("Y.A.L.E.") Motion to Dismiss (Doc. No. 16) and Plaintiff Commonwealth of Pennsylvania Department of Education's Response in Opposition, it is hereby **ORDERED**

that Y.A.L.E.'s Motion is **GRANTED IN PART** and **DENIED IN PART**. It is **FURTHER ORDERED** that:

1. Y.A.L.E.'s Motion is **GRANTED** to the extent it seeks dismissal of Count III of the Amended Complaint (Indemnification). Accordingly, Count III of the Amended Complaint is **DISMISSED WITH PREJUDICE**; and
2. Y.A.L.E.'s Motion is **DENIED** as to Count II of the Amended Complaint (Unjust Enrichment).

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE